

CRIMINAL DOCKET - U.S. District Court

CASE 3:88-cr-00111-DSD

U.S. DISTRICT COURT

LAST, FIRST, MIDDLE

PO 0864 3 6406Misd. Disp/SentenceFelony District Off Judge/Magistr.

0383-041

Document 61 Filed 01/20/09 Page 1 of 6

Case Filed
Mfr Day Yr.

12 21 88

Docket No. 00111 01

No. of

Def's

U.S. MAG.

CASE NO.

88-127

SIRS

I CHARGES

U.S. TITLE/SECTION

21:841(a)(1), 841

(b)(1)(A) & 846

21:841(b)(1)(A) &

846

Knowingly & intentionally attempt to possess w/intent to distribute cocaine - Ct 1

Knowingly & intentionally conspire to distribute & to possess w/intent to distribute cocaine - Ct 2

OLD & NEW GUIDELINES

CLOSED

II. KEY DATE

INTERVAL ONE

KEY DATE	<input checked="" type="checkbox"/> Arrest <input type="checkbox"/> sum'n's <input type="checkbox"/> custody <input type="checkbox"/> appears-on complaint
12/01/88	
EARLIEST OF	

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)

KEY DATE	<input checked="" type="checkbox"/> Indictment filed/unsealed consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony-W/waiver
12/27/88	
APPLICABLE	

END INTERVAL TWO

KEY DATE	<input type="checkbox"/> Dismissal <input type="checkbox"/> Pled Guilty <input type="checkbox"/> Nolo <input checked="" type="checkbox"/> Trial (voir dire) began <input type="checkbox"/> After N.C. <input type="checkbox"/> After noli
9-12-89	
APPLICABLE	

1st appears with or waives counsel	ARRAIGNMENT	1st Trial Ended	RE-TRIAL	2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	PTD Nolle Pros.	FINAL CHARGES DISMISSED on S.T. grounds	on W.P. □ WOP on del moto
					9-14-89	01-05-90			

Search Warrant	Issued Return	DATE	INITIAL/NO.	III. MAGISTRATE		OUTCOME:
				PRELIMINARY EXAMINATION	OR □ REMOVAL HEARING □ WAIVED □ NOT WAIVED	
Summons	Issued Served			Date Scheduled ► 12/12/88	JEC 64AM	X HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued		12/1/88	JEC 64AM	Date Held ► 12/12/88	JEC 64AM	HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT ►		12/1/88	JEC 64AM	□ INTERVENING INDICTMENT	Tape Number	
Date of Arrest	OFFENSE (In Complaint)	12/2/88	21 U.S.C. §841(a)(1) - Narcotics			

Show last names and suffix numbers of other defendants on same indictment/information:

Assigned to Judge Devitt per CR L#281

ATTORNEYS
U.S. Attorney or Asst.David J. MacLaughlin
Elizabeth de la Vega (184442)

Date Carlton P.O.(Mp)s

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CDRULE •
20 21 40 In Out

BAIL • RELEASE

PRE- INDICTMENT

Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
<input type="checkbox"/> Pers. Re	<input type="checkbox"/> PSA
AMOUNT SET	\$ _____
Conditions	<input type="checkbox"/> 10% Dep.
Date Set	<input type="checkbox"/> Surety Bn
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Collateral
Date Bond Made	<input type="checkbox"/> 3rd Ptry
	<input type="checkbox"/> Other

POST- INDICTMENT

Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
<input type="checkbox"/> Pers. Re	<input type="checkbox"/> PSA
AMOUNT SET	\$ _____
Conditions	<input type="checkbox"/> 10% Dep.
Date Set	<input type="checkbox"/> Surety Bn
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Collateral
Date Bond Made	<input type="checkbox"/> 3rd Ptry
	<input type="checkbox"/> Other

APPEALS FEE PAYMENTS

IV. NAMES & ADDRESSES OF ATTORNEYS, SURTEES, ETC.

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

No Bond

SCANNED

JAN 20 2009

U.S. DISTRICT COURT ST. PAUL

MASTER DOCKET - MULTIPLE DEFENDANT CASE
PROCEEDINGS DOCKET FOR SINGLE DEFENDANT

Start Date
End Date

Ltr.
Code

Total
Days

LETTER CODES

For identifying periods of exceedable delay per 18 USC 3161 [n] (Sections in brackets)

A Exam or hearing for mental/physical incapacity (18 USC 4244) (1)(A)

B NARA exam (18 USC 2902) (1)(B)

C State/Fed/J pro
ceedings on other
charges (1)(D)

D Interlocutory ap
peal (1)(E)

E Prelim motion
(from filing to
hearing or to other
prompt disposition) (1)(F)

F Transfer from other
district per FRCP
20.21 or 40 or Mag
Rule 6a (1)(G)

G Proceedings under
advisement, not to
exceed 30 days,
after all neces
sary submissions
filed and hearings
completed (1)(I)

H Misc proceedings:
arraignment, parole,
probation, revocation,
Deportation, extra
dition (1)(J)

I Deferal of pros
ecution (per 28 USC
2902) (1)(K)

J Transportation from
another district or
to/from examination
or hospitalization
in 10 days or less
(1)(L)

K Consideration by
Court of proposed
plea agreement (1)(M)

L Prosecution defered
by mutual agreement
(1)(N)

M Unavailability of de
fendant or essential
witness (1)(A,B)

N Period of mental/phys
ical incompetence
of def. to stand
trial (1)(P)

O Period of NARA
commitment/treat
ment (1)(Q)

P Superseding indict
ment and/or new
charges (1)(R)

R Def. awaiting trial
of co-defendant &
no severance has
been granted (1)(T)

S Continuances
granted per (1)(B),
use "T" alone if more
than one of the fol
lowing reasons (T
thru T4) is given in
support of continuance (1)(B)(A,B)

T1 Failure to continue
would stop further
proceedings or
result in miscarriage
of justice (1)(B),(B,I)

T2 Case unusual or com
plex (1)(B)(J,I)

T3 Indictment following
arrest can't be filed
in 30 days (1)(B),(B,V)

T4 Continuance granted
to obtain or substi
tute counsel, or give
reasonable time to
prepare (1)(B),(B,W)

U Time up to withdrawal
guilty plea, 3161(G)

W Grand Jury indictment
time extended 30 more
days, 3161 (B)

(OPTIONAL) Show last names of defendants

V. PROCEEDINGS

Sherman Ray Meirovitz (Devitt)

12/01/88	A	COMPLAINT w/attached affidavit of Joel Brillhart. Warrant issued.	Start	POS	SIRS
	B	Warrant ret'd exec 12/01/88	Start	LC	SIRS
	C	MINUTES (JEC) INITIAL APPEAR ON COMPLAINT: Prelim hrg & det. hrg set for 12/5/88 @ 9 a.m. Deft detained.	Start	P1	SIRS
	D	ORDER (JEC) OF TEMPORARY DETENTION			
12/09/88	E	Unsigned affidavit of Shannon Meirovitz - Re: Release		12/9/88	E SIRS
	F	Deft's motion for return of certain seized monies.		12-21-88	SIRS
	G	Deft's motion for setting of bail/conditions of release			
	H	Letter's - Re: Release			
12/12/88	I	MINUTES (JEC/tape) Prelim & det. hrg: B.O.D.C. Detention Ordered			
	J	ORDER (JEC) OF DETENTION PENDING TRIAL			
12/21/88	1	INDICMENT (EJD/Catherine Fahy) Cont'd from JEC 88-127. No Bond Offense dates: Ct 1 - 11/30/88, Ct 2 - 12/86 to 11/88 2 pgs	Start	P2	SIRS
12/27/88	2	MINUTES (JMS/Colleen Koop) INITIAL APPEAR ON INDICT: Deft appeared w/o counsel. Deft stated he has hired Mark Peterson to represent him. Deft informed of his rights per Miranda. Arraignment 01/03/89 @ 9 a.m. Deft ret'd to custody of USM. Detent. order in effect.			
12/27/88	3	Letter's - Re: Release			
01/03/89	4	MINUTES (JMS/tape) ARRAIGN: Reading waived. Plea of not guilty entered. Motions due 01/27/89; heard 02/06/89 @ 9 a.m.; status conf. 02/24/89 @ 9:30 a.m.; trial 02/27/89 @ 2 p.m. Ret'd to custody of USM.			
	5	ORDER (JMS) same as docket #4 above. (cc:attys) dd 2 pgs			
01/26/89	6	Deft's motion to suppress evidence		01/26/89	E SIRS
02/06/89	7	MINUTES (EJD/BT) Motion to suppress - denied. Gov't exhibits ret'd. Status conf 3/9/89 @ 9 a.m. Trial 3/13/89 @ 2 p.m. (dd)		02/06/89	
	8	ORDER (EJD) that deft's motion to suppress statements & evidence is DENIED. (cc:attys) dd 1 pg			
02/28/89	9	STIPULATION & ORDER (EJD) that the trial is cont'd to 4/24/89. (cc:attys) dd 1pg [Under 1833&1(h)]		3-13-89	T

cont'd to page 3

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UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

AO 256A (8)

Sherman Ray Meirovitz

(Devitt)

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88 00111 (1)

Yr. Docket No. Def.

DATE (Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
03/13/89	10) TRANSCRIPT of motion hrg b/4 EJD on 2/6/89. [SEPARATE]	dd			
04/05/89	11) Stipulation & ORDER (EJD 4/4/89) that the trial is cont'd to 5/22/89 under 3161(h). (cc:attys) dd				
04/25/89	12) Deft's motion for temporary release. (dd)				E
05/01/89	13) MINUTES (EJD/BT) Deft's motion for modification of bond is denied. (dd)				
05/04/89	14) STIPULATION & ORDER (EJD) Continuance pursuant to 18:3161(h). (cc:attys) dd 1 pg				
05/31/89	15) Waiver of Speedy Trial				
	16) STIPULATION & ORDER (EJD) that jury trial is cont'd to 2 p.m. b/4 EJD on 09/11/89 under 18:3161(h). (cc:attys) dd				
07/13/89	17) Deft's second motion for temporary release & request for hearing. (dd)		ruled on #19		
07/27/89	18) Deft's motion to con't trial date. (dd)		E		
08/14/89	19) ORDER (EJD 8/11/89) DENYING: deft's motion for temporary release. (cc:attys) dd				
08/24/89	20) Deft's motion for trial continuance. (dd)				
08/25/89	21) ORDER (EJD) that deft's motion for a continuance of trial is DENIED. (cc:attys) 1 pg dd				
09/11/89	22) INFORMATION PURSUANT TO 21:851				
09/12/89	23) MINUTES (EJD/BT) <u>1st day of jury trial:</u> Jurors impaneled & sworn. Opening statements by gov't. Opening statements waived by deft counsel.	Stop	SIRS	P2	
	24) JURY PANEL RECORD				
09/13/89	25) MINUTES (EJD/BT) <u>2nd day of jury trial</u> Gov't rests.				
09/14/89	26) MINUTES (EJD/BT) <u>3rd day of jury trial:</u> Deft rests. Gov't presents closing arguments, deft presents closings arguments. Gov't presents rebuttal arguments, gov't rests on rebuttal. Court instructs jury as to the law. Marshal is sworn. Jury begins deliberations @ 12:30 p.m. Verdict of guilty on cts 1 & 2 ret'd @ 3:15 p.m. Jurors polled & all concur. PSI ordered. Deft ret'd to custody of USM. Gov't exhibits ret'd to counsel. Deft exhibits attached to exhibit list, docket entry # 29.				

cont'd to page 4

Interval
(per Section II) Start Date End Date Ltr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET
AO 256A

Sherman Ray Meirovits

(Devitt)

CR 3-88-111

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
09/14/89	27) Jury Question #1. 28) VERDICT - Guilty on Cts 1 & 2 29) Deft's Exhibit List w/attached exhibits 30) Gov't Exhibit List 31) Jury Instructions 32) Court Exhibits		START -----	P4	GVE SIRS
10/25/89	33) Deft's Motion/Application to proceed IFP RE: Trial Transcripts.				
12/12/89	34) Position of gov't w/respect to sentencing factors. (dd)				
12/19/89	35) Position of deft w/respect to sentencing factors. (dd)				
01/05/90	36) Deft's motion for leave to proceed IFP on appeal. (dd) granted see minutes #37 37) MINUTES (EJD/BT) <u>SENTENCING</u> : Custody of BOP for life w/o release as to ct 1. Life w/o release as to ct 2, sentences on ct 1 & 2 to be served concurrently. Deft's motion for counsel appt'd is granted. Mark Peterson appt'd for appeal purposes. 38) JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT - copies dist'd by Lowell/Suzanne 2 pgs 39) Report of Statement of Reason for Imposing Sentence copies dist'd by Lowell/Suzanne 1 pg			SIRS closed 1/3/90	
01/09/90	40) NOTICE OF APPEAL by deft from Judgment entered on 01/05/90. (dd)			90-5017	
01/30/90	41) TRANSCRIPT of Trial b/4 EJD on 12/12/89 VOL I. SEPARATE 42) TRANSCRIPT of Trial b/4 EJD on 12/13/89 VOL II SEPARATE 43) TRANSCRIPT of Trial b/4 EJD on 12/14/90 VOL III SEPARATE				
02/09/90	44) TRANSCRIPT of Sentencing b/4 EJD on 01/05/90 SEPARATE 45) CJA-24, payable to Bruce Tiffany in the amt of \$986.				
	continued to page 5				

Interval
(per Section III)Start Date
End DateLtr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

AO 256A *

Sherman Ray Meirovitz (Devitt)

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88 Yr. 00111 Docket No. 01 Def.

DATE (Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	MANDATE: 90-5017 MN				
02/19/91	46) CERT/COPY OF OPINION OF THE U.S.C.A. (Gibson, Heaney & Magill) AFFIRMING THE CONVICTION & SENTENCE. 47) CERT/COPY OF JUDGMENT OF THE U.S.C.A. (11/21/90) JUDGMENT OF THE DIST COURT IN THIS CAUSE IS AFFIRMED IN ACCORDANCE W/THE OPINION OF THIS COURT. (copies dist'd)				
02/27/91	48) Deft's pro se request for copy of docket sheet in forma pauperis. (docket sheet is 5 pgs) IFP previously granted - Docket sheet mailed 2/28/91		dd		
03/08/91	49) Deft's request for copies of: Grand Jury Transcript Prelim Hrg Transcript Indictment NOTE: Copy of indictment mailed to deft on 03/08/91 (dd)				
05/21/91	50) Notice of filing Petition for Certiorari - 1 pg				
06/03/91	51) ORDER (EJD 05/31/91) that deft's motion for transcripts at no cost is DENIED w/o prejudice. (cc:deft & AUSA) 1 pg				
11/12/91	52) Order denying petition for Writ of Certiorari. 1 pg				
11/7/05	*** Case reassigned to Judge David S. Doty from the Judge Rotation down list.				
11/7/05	53) PRO SE MOTION for Relief from Illegal Sentence Pursuant to Rule 60(b) (MKF) 5 pgs				
11/7/05	54) MEMORANDUM IN SUPPORT OF Motion for Relief. (MKF) 15 pgs				
11/9/05	55) ORDER BY Judge David S. Doty signed on 11/9/05; that plaintiff shall respond to said motion by 12/27/05. 1 pg (mkf) cc: AUSA & deft.				
11/9/05	*** File ordered from the record center.				
11/15/05	*** File received from the record center.;				
11/16/05	56) REASSIGNMENT OF CRIMINAL CASE - AUSA David J. MacLaughlin assigned. 1 pg (mkf)				

Interval
(per Section II)Start Date
End Date

Ltr. Code Total Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

Sherman Ray Meirovitz

CR 3-88-111

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
12/27/05	57) GOVERNMENT'S RESPONSE TO DEFT'S MOTION FOR RELIEF FROM ILLEGAL SENTENCE PURSUANT TO RULE 60(b). 62pgs				
1/3/06	58) ORDER (Signed by Judge David S. Doty 1/3/06) that deft's Rule 60(b) motion for relief from an illegal sentence [Doc. No. 53] is denied. 2pgs Copy mailed to deft 1/6/06 and copy to AUSA 1/6/06. LEG				
1/17/06	59) PRO SE NOTICE OF APPEAL of this Court's Order of 1/3/06 Regarding Deft's Rule 60(b) Motion for Relief from Illegal Sentence by Sherman Ray Meirovitz. 1 pg (mkf) copies dist'd				
1/18/06	*** Transmission of Notice of Appeal, Order by DSD and certified Docket Sheet to USCA, St. Paul on 1/18/06				
1/18/06	*** Sent to USCA, St. Paul 1 volume (blue file) as to Sherman Ray Meirovitz. (mkf)				
4/13/06	60) United States Court of Appeals Judgment that the judgment of the district court is affirmed. 1pg LEG				

Interval (per Section II)	Start Date	End Date	Ltr.	Total
			Code	Days